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Attorney Docket No.: 212900-001021

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: RIDENOUR, Randall D.

U.S. Serial No.: 10/695,041

Filing Date: October 28, 2003

For: RIDGE CAP AND CORRUGATED PANEL  
SYSTEM

Examiner: Katcheves, Basil

Group Art Unit: 3635

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (EV630251220US) in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2005.

Kathryn Walczak

Name

*Kathryn Walczak*  
Signature

*April 28 2005*  
Date of Signature

PETITION FOR REVIVAL OF  
ABANDONED APPLICATION (UNINTENTIONAL) UNDER 37 C.F.R. § 1.137(f)

Attn:  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1) Applicant hereby petitions for revival of abandoned patent application number  
10/695,041 under 37 C.F.R. § 1.137(f).

05/02/2005 JBALINAN 00000089 10695041

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1500.00 OP

CHIGO/30239885

2) In accordance with 37 C.F.R. §1.137(f) Applicant, through the undersigned attorney, submit that the entire delay in filing the Rescission of Request Not to Publish was unintentional.

3) The Applicant references its prior petition of November 16, 2004 outlining the circumstances of the unintentional delay in filing the Rescission.

4) Another copy of the copy of the Rescission Request was filed with the aforementioned petition of November 16, 2004 and the receipt of which was acknowledged by the Office in the March 15, 2005 Decision Dismissing said Petition, a copy of this document is enclosed herein.

5) This communication further responds to the March 15, 2005 Decision Dismissing said petition.

6) Also, in accordance with 37 C.F.R. § 1.137 (f), a check for the petition fee as set forth in § 1.17(m) for the amount of \$1500.00 (large entity) is included with this petition.

7) The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 18-2284. A duplicate copy of this sheet is enclosed.

2) In accordance with 37 C.F.R. §1.137(f) Applicant, through the undersigned attorney, submit that the entire delay in filing the Rescission of Request Not to Publish was unintentional.

3) The Applicant references its prior petition of November 16, 2004 outlining the circumstances of the unintentional delay in filing the Rescission.

4) Another copy of the copy of the Rescission Request was filed with the aforementioned petition of November 16, 2004 and the receipt of which was acknowledged by the Office in the March 15, 2005 Decision Dismissing said Petition, a copy of this document is enclosed herein.

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7) The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 18-2284. A duplicate copy of this sheet is enclosed.

Applicants submit that they are in full compliance with 37 C.F.R. § 1.137(f) and therefore, respectfully request revival of the above-identified application.

Respectfully submitted,

April 28, 2005  
Date

  
Thomas W. Ryan  
Reg. No. 43,072

**DLA PIPER RUDNICK GRAY CARY US LLP**  
P.O. Box 64807  
Chicago, Illinois 60664-0807  
(312) 368-4000



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CHICAGO IL 60664-0807

MAR 18 2005

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MAR 15 2005

OFFICE OF PETITIONS

In re Application of :  
Randall D. Ridenour : DECISION DISMISSING  
Application No. 10/695,041 : PETITION UNDER  
Filed: October 28, 2003 : 37 CFR 1.137(b)  
Attorney Docket No. P-6811 :

212900-1021

This is a decision on the petition, filed November 16, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is DISMISSED.

Any request for reconsideration of this decision must be filed within TWO MONTHS from the mail date of this decision. Extensions of time are available pursuant to the provisions of 37 CFR 1.136(a).

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition fails to comply with items (2) and (3) above. Upon careful review of the USPTO records for the above-identified application, there is no evidence of receipt of a Rescission Of Request Not To Publish in the above-identified file. Additionally, the required fee for a petition under 37 CFR 1.137(f) is \$1,500 as of December 8, 2004.

The relief provided for by the notice published in the Official Gazette of October 9, 2001, applies only to correspondence deposited by Express Mail under 37 CFR 1.10 and does not apply to mail deposited by first class mail under 37 CFR 1.8. In this regard, applicant's attention is directed to 1251 Official Gazette 55, which states:

Parties submitting (correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8.

Therefore, it would be inappropriate for the filing of the Rescission Of Request Not To Publish under 37 CFR 1.8.

Accordingly, the above matters must be addressed in order to grant the revival of the instant application.

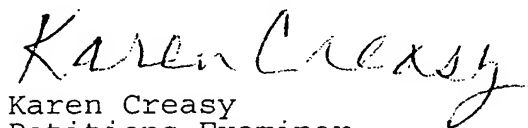
Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop PETITIONS  
                    Commissioner for Patents  
                    Post Office Box 1450  
                    Alexandria, VA 22313-1450

By hand:           Customer Window located at:  
  
                    Randolph Building  
                    401 Dulany Street  
                    Alexandria, VA 22314

By fax:            (703) 872-9306  
                    ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy